Discussion Paper
The Stakeholder Process and Identification of Habitat Areas of Particular Concern
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Introduction

The 1996 Magnuson-Stevens Act amendments define essential fish habitat to include " those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity." The law sets forth the requirement that Fishery Management Plans must describe and identify essential fishery habitat for the fishery...and minimize, to the extent practicable, adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat.

Habitat areas of particular concern (HAPC) are those areas of special importance that may require additional protection from adverse effects. HAPC is defined on the basis of its ecological importance, sensitivity, exposure, and rarity of the habitat. Several habitat types have been already identified as HAPC as part of the essential fish habitat amendments. These HAPC's included:

1. Living substrates in shallow waters (e.g., eelgrass, kelp, rockweed, mussel beds, etc.)
2. Living substrates in deep waters (e.g., sponges, coral, anemones, etc)
3. Freshwater areas used by anadromous fish (e.g., migration, spawning, and rearing areas)

In October 1998, the Council approved for analysis several proposals regarding habitat areas of particular concern. These proposals requested that a gap analysis be prepared, and additional habitat types and areas be designated as HAPC. Proposed HAPC habitat types included seamounts and pinnacles, the ice edge, the shelf break, and biologically-consolidated fine-grained sediments. Proposed specific HAPC areas included a deep basin in Prince William Sound, the Chirikov Basin north of St. Lawrence Island, and the red king crab bottom trawl closure areas around Kodiak Island.

In February 2000, the Council reviewed an initial draft of a proposed amendment that would consider identifying additional HAPC, and two management measures to protect HAPC from fishing effects. The first measure considered was to prohibit directed fishing for certain HAPC biota (corals, sponges, kelp, rockweed, and mussels). The second measure was to establish several marine protected areas where Gorgonian corals are found in abundance. Gorgonian corals have been shown to be important shelter for rockfish and other fish species, are very long lived, easily damaged by fishing gear, and slow to recover from damage. Based on public testimony, and input from its advisory committees, the Council voted to split the amendment and associated analysis into two parts: prohibiting a commercial fishery for HAPC biota (part 1), and protection of Gorgonian corals (part 2).

In April 2000, the Council adopted part 1 of the HAPC initiative as Amendment 65/65 to the Bering Sea/Aleutian Islands and Gulf of Alaska groundfish FMPs. These amendments will define all corals and sponges as prohibited species. The purpose of these amendment is to prohibit a commercial fishery from developing on invertebrates that provide important habitat for fish. Retention for personal use would be allowed, but the sale, barter, trade of corals and sponges would be prohibited.
The Council requested the staff to provide a discussion paper (to be ready for the June Ecosystem Committee to review) on the stakeholder process and a framework for future identification and evaluation of HAPC types and areas. Once this framework is adopted, the stakeholder process would be initiated to

better define high density Gorgonian coral areas and develop appropriate management alternatives. The Problem Statement drafted by the Council for HAPC conservation is shown in the adjacent table.

Problem Statement drafted by the Council for HAPC conservation., February 2000.

Scientific research shows that alteration of seafloor habitat changes the diversity and relative abundance of species, creates environments for opportunistic species, and may reduce the resilience of original species. It is the Council's responsibility to consider fishery impacts relative to natural impacts and to determine the supportable or sustainable threshold for fishery impacts. Management for habitat complexity and diversity is a precautionary approach that takes into account our limited knowledge of marine ecology and the effects of fishing practices. The primary objective for HAPC conservation is to establish a habitat conservation regime to ensure natural habitat complexity and biological diversity important for productive fisheries, a healthy marine ecosystem, and stable, flexible fishing economies.

The NPFMC has established time/area closures in the Gulf of Alaska and Bering Sea/Aleutian Islands for bycatch and habitat protection. However, a deliberate effort is needed to ensure that the range of HAPC types in each FMP are adequately addressed in a conservation regime.

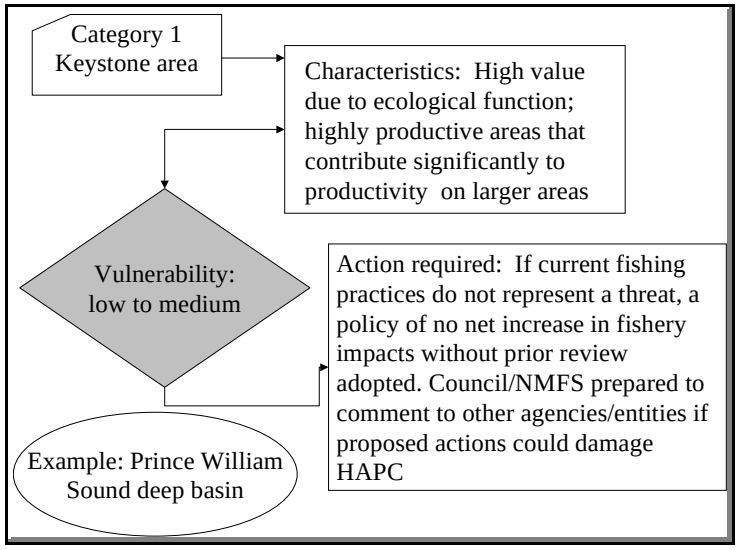
Habitat protection does not require a prohibition on all fishing but rather a prohibition or modification of fishing practices that are most likely to harm essential habitats. To develop management plans that protect the full range of sensitive habitat types will be a phased process involving proposals, analyses, and public participation.

The following is an initial discussion paper for the next HAPC amendment package. The goal of this discussion paper is to begin to develop a more comprehensive and iterative process for HAPC identification and habitat protection involving researchers, stakeholders and management agencies. It also provides a draft protocol for stakeholder participation in the process when necessary.

Proposed HAPC Categories

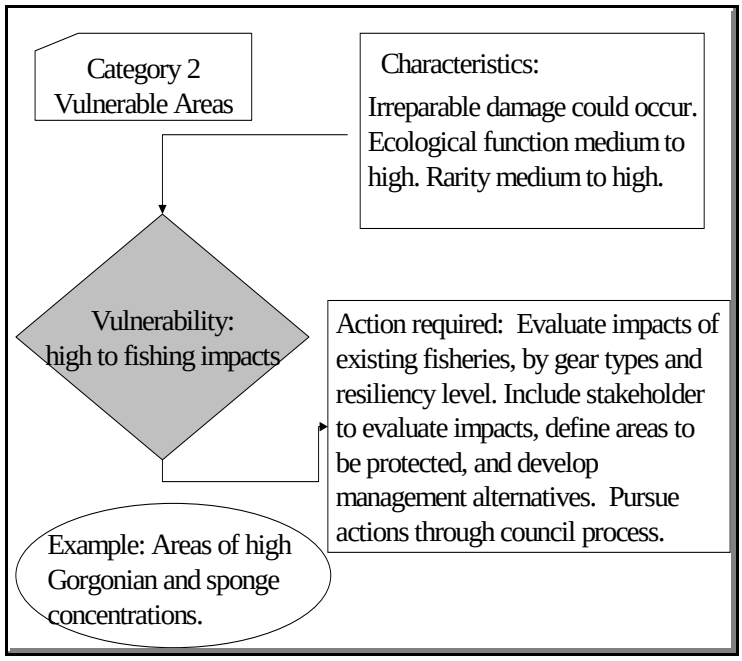
Currently HAPC is classified as a habitat type in the fishery management plans. It was set up that way because scientists had very little information on the distribution of HAPC biota when Amendments 55/55 were adopted. Since that time, further analysis of survey and fishery data have revealed locations where HAPC biota (e.g., corals, sponges, bryozoans, etc.) are abundant. So now we are at the stage of determining well defined HAPC areas that can receive additional management protection from fishery and non-fishery impacts.

At the last Ecosystem Committee meeting, Council member Linda Behnken proposed three categories for HAPC areas based on ecological function, vulnerability, and rarity. Three categories would be designated: keystone areas, vulnerable areas, and species specific areas. By separating out each category of HAPC area, we can define the framework for analysis and stakeholder involvement. The following is a brief summary of each category.



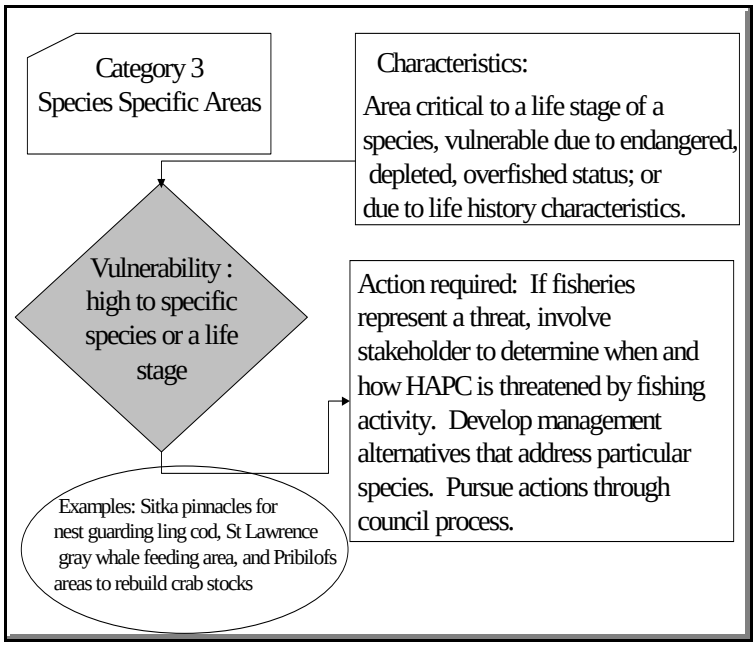
1. Keystone Area. A keystone area qualifies as HAPC because of its ecological function. These are highly

productive areas that contribute significantly to fish productivity even beyond its immediate boundaries. These areas need not be vulnerable to fishing impacts, but may be significantly impacted by non-fishing activities. The goal is to safeguard the critical ecological processes and properties that are responsible for maintaining the desired ecosystem (Lindeboom 2000). Examples of keystone areas include the Prince William Sound deep basin and the Bering Sea ice edge.



Action required: If current fishing practices do not represent a threat, the Councils policy would be to prohibit any net increase in fishing impacts without prior review.

2. Vulnerable Areas. A vulnerable area HAPC category would include those areas that serve an important ecological function, at least in a local sense, occurs sporadically or rarely, and could be substantially disturbed by some or all existing fisheries. The primary characteristic of these areas is that they are very sensitive and vulnerable to fishing impacts. An example of a vulnerable HAPC area would be the areas with high densities of gorgonian corals.



Action required: Evaluate impacts of existing fisheries, differentiating between gear types and considering resilience of HAPC to various levels of impacts. Include stakeholders (fishermen, residents of adjacent coastal communities, etc.) to evaluate impacts, clearly define area to be protected, and develop management alternatives. Pursue appropriate action to protect HAPC through the Council process.

3. Species Specific Areas. Species Specific Areas are those HAPC areas that are critical to a life stage of a species vulnerable due to endangered, depleted, or overfished status. These areas are extremely important to specific species and may serve as indicators of the ecological condition of a system (Lindeboom 2000). The habitat within these areas may or may not be vulnerable to fishing impacts. Examples of this category would include the Sitka Pinnacles Marine Reserve (for lingcod), the Bristol Bay Closure (for

red king crab), the Pribilof Islands Area (for blue king crab), and the Saint Lawrence Island area (proposed to protect grey whale feeding).

Action required: If fisheries represent a threat, involve stakeholders to determine when and how HAPC is threatened by fishing activity. Develop management alternatives that address needs of particular species, and take action through the normal Council process. If current fishing practices do not represent a threat, the Councils policy would be to prohibit any net increase in fishing impacts without prior review.

Proposed Framework to Establish HAPC Types and Areas

A standard framework policy for adopting and establishing HAPC types and areas needs to be developed. Towards this end, the following framework has been proposed by Council staff. The framework could be envisioned as a series of steps, as listed below.

Step 1. Proposals for HAPC types or areas would be requested by the Council each June during the normal amendment proposal cycle. Council staff would make an initial assignment to HAPC category if appropriate.

Step 2. The proposals would get preliminary reviews by various advisory committees as needed, including the groundfish or crab plan teams, the plan amendment advisory group, and/or the Ecosystem committee.

Step 3. The Council (including SSC and AP) reviews the HAPC proposals, together with all the other proposals received, and task staff on what proposals should be further analyzed. For HAPC type designations, or area designations not requiring regional stakeholder input, the normal analytical cycle would suffice (i.e., initial review in April and final action in June).

Step 4. For those proposals requiring stakeholder input, an appropriate stakeholder process could be initiated. The stakeholder process would essentially require some preliminary analysis by staff, followed by review and input at the local level, and iterative revision as needed prior to the Council taking final action.

Principles for successful stakeholder involvement in designing marine protected areas (Lindeboom 2000).

- Make the planning process truly participatory, as opposed to allowing user groups to comment on a plan developed by a single stakeholder i.e. the government.
- Design zoning to maximize protection for critical areas, while allowing sustainable use in less sensitive or vulnerable areas Consider a management plan that would allow for non damaging fishing practices in the area as a feasible alternative.
- Design boundaries based on the ecological parameters not larger 'squares' or the smallest closest regulatory or statistical area.
- Include means to undertake reevaluation of management plan exercises that could encompass new ecological and sociological information.
- Develop monitoring and evaluation methodologies that are appropriate to the specific objectives. Such that the monitoring of the socio-economic and biological parameters of research be linked with the management objective (FAO 1998)
- Design a management plan with ways to promote the self financing of the management operation costs. One method could be to form a multi-user group to manage the marine protected and to monitor its effectiveness using established benchmarks.

Options for Stakeholder Process

The involvement of the stakeholders is critical for several reasons. First, stakeholders can provide local and traditional knowledge about abundance and locations of habitat types. Second, by being part of the stewardship process stakeholders can increase the public awareness and take more responsibility for habitat protection. Third, local stakeholder involvement can reduce enforcement requirements by creating an understanding that leads to better compliance. In the North Pacific, stakeholders for the HAPC process may include commercial fishers, CDQ groups, native communities, people living in coastal communities, recreational fishers, coastal

businesses, fish processing companies, and many other businesses such as mining and dredging.

Successful partnering requires that interested parties are well informed and knowledgeable. The aims of the program must be clearly defined and understood. Public awareness and education will require the development of a variety of materials for different audiences, including schools, resources users, government agencies, communities, and non government agencies. Educational tools such as public meetings, brochures booklets, web info, and education videos' have been successful in different arenas of the stakeholder process within Canada's marine protected areas. (DFO 2000). Below are several options of stakeholder involvement for consideration.

Option 1: Status Quo. All public input and analytical feedback is done through the Council and its advisory committees (AP, SSC, Ecosystem Committee, Plan Teams).

Option 2: Establish a sponsorship program, like the local area management plan (LAMP) or halibut (Appendix 1). This example addressed issues of local depletion of halibut rockfish, and lingcod near Sitka and identified user conflicts for these species. The group nominating a HAPC category 2 could become a 'sponsor' for the site. A sponsor is an organization prepared to make a long-term partnering arrangement for managing the marine protected area. A sponsor's proposal has a high degree of consensus among user groups in the area covered by the proposed LAMP. Ranges of involvement can include nomination of a proposed area, to consultation activities, to public awareness types of programs.

Proposals for regional HAPC's could be submitted be local advisory committees or a local/user group task force. If the public requests, via proposal, participation in the process, appropriate agency staff would be assigned to provide guidance and legal limitations during the development of a proposal. Additionally on submission of a proposal the users should be identified and their involvement in the process documented. Proposals should follow the initial guidelines set forth by the different outline of HAPC categories (rebuilding, unique, keystone, etc) and submitted with the knowledge that it can take 2-3 years to be implemented. The timing will be based on the complexity of the proposal, the scope of the required analysis, availability of data and staff to complete an adequate analysis before the Council (or Board if within State waters).

The benefit of this option is to allow local knowledge or users of a specific area to call attention to a local HAPC. A second benefit is that utilizing user group consensus perhaps would represent a locally developed alternative opposed to a 3rd party setting managements actions or regulations. The review process by the plan teams and ecosystem committee will determine if the concerns warrant further staff analysis and Council time. Although it does place the initial burden of proof onto the public, it allows substantial public input into the decision making process.

A major drawback is that additional actions to protect habitat won't be taken unless a sponsor takes the initiative. Another drawback if this option is that a lot of time and effort (or burden) is initially placed on the community or group with the concern. Since an effective proposal should be a multi-stakeholder, collaborative effort. Proposals should outline a management structure, with a proposed vision, and specific goals and objectives for the HAPC area. In keeping with the concept of integrated multi-stakeholder partnerships, each proposal should identify the key stakeholder groups and how consensus will be reached in achieving sustainable management and sustainable coastal communities. This may be difficult for one group to do on its own.

Option 3 Send staff out to local communities potentially effected by HAPC designation to hold public meetings for the purpose of disseminating information, gathering local input, and providing feedback for

the analysis. At the onset of HAPC categories type 2 or 3 being determined by researcher or public comment, a preliminary analysis will examine which communities will likely be effected. It will also enable us to know if other non-locals (that utilize the resource) need to be contacted and what would be the best suitable means of communication to begin the process.

The benefits of this option are that it provides full public input and direct feedback to the analysts. The drawbacks are that the stakeholders would have somewhat limited input because time and travel budgets would only allow so many trips to coastal communities. Stakeholders may also feel somewhat disenfranchised if their input is not directly adopted by the Council when it makes its decision.

Option 4 Establish a working group to serve as an intermediary in the stakeholder process. This will engage the " best available science" and the general public in dialogue that reports its findings to the council. An initial task of a working group would be to establish a community and stakeholder process for considering a type of marine reserves within Alaska Waters. The working group will collaborate to seek agreement on a recommendation to be presented to the council regarding the potential establishment of nay HAPC reserves. Council staff can be made available for working group meetings. The membership of the working group could be established with the intent of having a range of community and stakeholder perspectives being represented. These include, the public at large, commercial fishing interests, recreation fishing interest and conservation interests (see Appendix 3). Obviously, a major drawback of this option is that it would require significant commitment of staff resources and travel by advisory council members.